

REMARKS

Claims 1-65 are pending in the application. Claims 42-45 are withdrawn from consideration. Claims 42-45 (method claims) have not been examined, however, both compound and pharmaceutical composition claims were examined. The Examiner rejects claims 1, 2, 4-11, 13-19, and 24-41. The Examiner objects to claims 3 and 20-23.

The Examiner indicates that Applicants' amendments filed April 18, 2005 changing the definition of "n" to be an integer from two to six together with the Supplemental Amendment filed on May 10, 2005 and the Second Supplemental Amendment filed on May 13, 2005 have overcome the previous rejection under 35 U.S.C. 102 over the art of record. Of parenthetical interest the Supplemental and Second Supplemental Amendments referenced merely brought certain dependent claims into conformity with the new definition of "n."

Rejection under 35 U.S.C. 102

The Examiner rejects claims 1, 2, 4-11, 13-19 and 24-41 under 35 U.S.C. 102(b) as unpatentable over Theriot, U.S. Patent 5,998,627. According to the Examiner, Theriot discloses unsubstituted aralkyl nitron compounds wherein n has an unspecified number. Applicants do not acquiesce to the merits of this rejection. However, in the interest of advancing prosecution and securing rapid allowance of a patent, Applicants herein amend claim 1 to recite the proviso "wherein not all R₁s are hydrogen." This recitation is believed to further distinguish the claimed compounds from those disclosed by Theriot. Applicants further amend claims 2 and 7 in conformity with claim 1 by removing the reference to R₁ being "H." Further, Applicants amend claim 8 to remove Compounds 12, 14, 18 and 19 having this characteristic. Likewise, claim 9 is amended to remove the recitation "or unsubstituted" in describing Ph, and as a result, the proviso "provided that...." is removed as unnecessary.

In order to provide claims to a pharmaceutical composition that mirror the claims to the compounds themselves, Applicants amend claim 24 as per claim 1, claim 29 as per claim 7, claim 30 as per claim 8 (also removing Compound 20), and claim 31 to delete “or unsubstituted.” In addition, Applicants add new claims 46-65 directed to ***a pharmaceutical composition for treating inflammation, neuropathic pain, pain associated with arthritis, or traumatic injury to the brain or spinal cord of a mammal.*** None of the references cited by the Examiner in the present or previous rejections teach or suggest pharmaceutical compositions of any of the compounds disclosed. Further, none of the references cited by the Examiner in the present or previous rejections teach or suggest that any of the compounds disclosed possess any pharmaceutical activity or display any efficacy for treating any pathology. Even further, none of the references cited by the Examiner in the present or previous rejections teach or suggest that any of the compounds disclosed might be useful for treating inflammation, neuropathic pain, pain associated with arthritis, or traumatic injury to the brain or spinal cord of a mammal. Applicants do, however, teach throughout the present application, e.g. paragraph 16, that the compounds disclosed as well as pharmaceutical compositions comprising the same are useful for the indications recited.

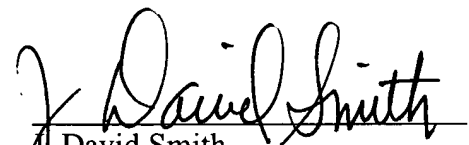
Applicants make some additional minor changes to the claims by cancelling claim 20 to conform the dependent claims to the amended scope of the independent claim 1 and by correcting a minor typographical error in claim 30 by changing Compound 11 from “N,N-Dibenzene....” to “N,N-Dibenzene....”

CONCLUSION

Applicants respectfully request entry of the foregoing amendments to the claims. The Claims as amended are believed to be in condition for allowance, and early and favorable action on the claims is earnestly solicited. Should a discussion be helpful in resolving any outstanding issues, the Examiner is invited to telephone the undersigned at (201) 487-5800.

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